

MEMORANDUM ENDORSED



December 14, 2022

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Hon. Gregory H. Woods
United States District Judge, S.D.N.Y.
500 Pearl St.
New York, New York 10007
Via ECF

USDC SDNY
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RE: Fourth Consent Letter Motion for Extension of Time File Plaintiff's Consolidated Motion as to [160] Order on Motion for Extension

Viahart, LLC v. Creative Kids Online, LLC, No. 1:20-cv-09943-GHW (S.D.N.Y.)

Dear Judge Woods:

We represent Plaintiff Viahart LLC in this Action. With Defendants' consent, we write to request extensions on the upcoming deadline for Viahart's consolidated motion for summary judgment and to dismiss due on December 15, 2022 [ECF No. 160].

Good cause exists for the court to grant Viahart a one-week extension of time to file the Consolidated Motion. In addition to the reasons previously stated, Viahart has been diligently preparing its motion with materials supporting facts that cannot be disputed as required by Rule 56. Viahart has nearly completed its declarations and exhibits. Viahart's statement of material facts is pending completion of such materials, which impacts the citations to the materials in the Consolidated Motion. Further, Viahart's availability has been limited over the past few days.

Moreover, counsel for Viahart had an urgent issue arise with another client which quickly escalated into potentially pursuing injunctive relief by December 12th, if necessary.¹ The situation requiring immediate injunctive relief has temporarily receded. That matter and others have impacted the amount of time available to finalize the Consolidated Motion. Consequently, Viahart needs additional time to finalize the briefing and evidence with respect to the grounds for dismissal under Rules 12 or 56.

¹ See Complaint ¶¶ 4, 52–54, *Digerati Distrib. & Mktg., LLC v. Conradical Sàrl*, No. 1:22-cv-01302 (W.D. Tex. Dec. 9, 2022), ECF No. 1.



Viahart seeks a 1-week extension of the deadline for Viahart's Consolidated Motion from December 15th to December 22, 2022. After conferring, Defendants consented to this extension. This is Viahart's fourth request for an extension on this deadline.

For these reasons, Viahart respectfully request that the Court find that good cause exists for extending the deadline for Viahart to file the Consolidated Motion to December 22nd.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christian J. Cowart".

CHRISTIAN J. COWART
Counsel for Plaintiff

cc: All counsel of record (via ECF)

Application granted. The deadline for Plaintiff to file and serve its consolidated motion for summary judgment and motion to dismiss Defendants' affirmative defenses is December 22, 2022. Defendants' consolidated opposition is due within five weeks after service of Plaintiff's consolidated motion. Plaintiff's consolidated reply, if any, is due within two weeks after service of Defendants' consolidated opposition.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 161.

SO ORDERED.

Dated: December 14, 2022

New York, New York

A handwritten signature in black ink, appearing to read "Gregory H. Woods".

GREGORY H. WOODS
United States District Judge